

Article - State Government

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§6.5–203.

(a) (1) As soon as practicable, but no later than 90 days after receiving a complete application, including all necessary expert reports, the appropriate regulating entity shall hold a public hearing.

(2) If the nonprofit health entity is a hospital, the regulating entity shall hold the public hearing in the jurisdiction in which the hospital is located.

(b) A public hearing under this section shall be a quasi–legislative hearing and not a contested case hearing.

(c) Any person may file written comments and exhibits or make a statement at the public hearing.

(d) The regulating entity may:

(1) subpoena information and witnesses;

(2) require sworn statements;

(3) take depositions; and

(4) use related discovery procedures.

(e) (1) The regulating entity may contract with experts as reasonably necessary to:

(i) determine whether to approve an acquisition generally;

(ii) perform an independent valuation of the public or charitable assets of the transferor;

(iii) evaluate the impact of the acquisition on the affected community;

(iv) determine whether there has been due diligence by the transferor; and

(v) determine the existence of any conflicts of interest.

(2) The selection of an expert by a regulating entity under paragraph (1) of this subsection shall be subject to the State procurement laws.

(3) If a regulating entity contracts for expert assistance under paragraph (1) of this subsection, the transferee shall pay the reasonable cost of the expert assistance, as determined by the regulating entity.

(f) Within 60 days after the record, including the public hearing process, has been closed, the appropriate regulating entity shall:

- (1) approve the acquisition, with or without modifications; or
- (2) disapprove the acquisition.

(g) (1) Subject to paragraph (2) of this subsection, at its discretion, the regulating entity may extend for good cause for a 60-day period the time for making a determination under subsection (f) of this section.

(2) The regulating entity is limited to a maximum of two 60-day extensions for making a determination on the same application.

(h) (1) Except as provided in paragraph (2) of this subsection, a determination made by the appropriate regulating entity under subsection (f) of this section may not take effect until the earlier of:

- (i) 90 calendar days after the date the determination is made;
- or
- (ii) the date when ratified or rejected by the General Assembly.

(2) The appropriate regulating entity may waive the waiting period under paragraph (1)(i) of this subsection if the appropriate regulating entity determines that waiving the waiting period is in the best interest of the public.

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